

## ARTICLE 48-14

### FARMED ELK

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#### CHAPTER 48-14-01 DEFINITIONS - GENERAL REQUIREMENTS

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**48-14-01-01. Definitions.** Unless otherwise defined, or made inappropriate by context, all words used in this article have the meanings given to them under North Dakota Century Code chapter 36-25. For purposes of this article:

1. "Herd" means two or more elk, or a herd of elk commingled with other hoof stock maintained on common ground, or two or more herds of elk and other hoof stock under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status.
2. "Hybrid" means an animal produced by interbreeding species or subspecies.
3. "Importation permit" means authorization obtained from the board for the movement of animals into the state and within the state if needed.
4. "Person" means any individual, partnership, limited partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

5. "Trace herd" means a herd in which an animal affected by chronic wasting disease has resided up to thirty-six months before its death, or any herd that has received animals from an affected herd within thirty-six months prior to the death of the affected animal.
6. "Zone 1" means that area bordered by a line that begins at the junction of the Montana border and Missouri River, runs east along the Missouri River to highway 49, south to highway 21, west to highway 22, to the Slope-Bowman County line, and west to Montana.
7. "Zone 2" means that area bordered by a line that begins at the Minnesota state line on highway 2 and runs west to Towner and north along the Souris River to the Canadian border.
8. "Zoo" means an organization with a class C exhibitor's permit, which follows United States department of agriculture regulations and is inspected by the United States department of agriculture - animal and plant health inspection service.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-02. Release or abandonment.** A person may not release or abandon any farmed elk without prior written authorization from the state veterinarian.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-03. Escaped farmed elk.**

1. The owner of farmed elk, or the owner's agent, must report an escape to the board within one business day of discovery.
2. The owner shall cause any farmed elk to be recaptured or destroyed within ten days of the animal escape except when public safety or the health of the domestic or wild population is at risk, in which case the animal may be disposed of immediately. The state veterinarian may grant a ten-day extension. The state veterinarian may authorize an agent to seize, capture, or destroy farmed elk that have escaped their possessor's control.
3. The owner, or the owner's agent, shall notify the board within one business day of the capture or death of an escaped animal.

4. The board or its designated agent may inspect any recaptured animal before it is returned to the elk farm.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-05

#### **48-14-01-04. Identification.**

1. Farmed elk must be individually identified as prescribed by the board. The form of identification must be permanent and unique to each animal. The permanent identification shall be a tattoo, microchip, or other approved form.
2. When loss of an animal identification is discovered, the animal must be identified with approved identification as soon as reasonably possible.
3. Identification assigned to an individual farmed elk may not be transferred to any other animal.
4. All newborn farmed elk must be individually identified prior to removal of the animal from the farmed elk premises or within twenty-four months of birth, whichever comes first.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-08

#### **48-14-01-05. Fencing requirements.**

1. A farmed elk owner shall comply with fencing standards that will assure containment. Conventional perimeter fences must be at least twelve and one-half gauge and must be at least seven feet [2.13 meters] high. The fence must be a mesh of a size to prevent escape. Any supplemental wires must be at least twelve and one-half gauge and spaced no more than six inches [152.40 millimeters] apart.
2. Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.
3. All gates in the perimeter fence must be secured.
4. Posts must be of sufficient strength to keep farmed elk securely contained. The posts of the perimeter fence must extend to the

upper limits of the height requirement and be spaced no more than twenty-four feet [7.32 meters] apart.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-05

**48-14-01-06. Farmed elk reporting.**

1. An owner of farmed elk shall submit an annual farmed elk inventory report by January first of each year. An owner who fails to submit the report to the board by March first of each year is in violation of this section.
2. An owner shall record inventory information on the forms provided by the board and such forms must be filled out completely and accurately.
3. An owner must report all purchases, sales, or other animal transfers, escapes, recaptures, births, deaths, or diseased farmed elk on the inventory report form.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-07. Farmed elk premises description.** An owner, before acquiring or possessing farmed elk on such owner's premises, shall provide to the board a sketch or map of the proposed exterior boundary, holding and handling facilities, location of quarantine area, and proposed location of all gates. A person owning farmed elk as of April 1, 2001, who has not previously furnished such information to the board shall submit such information with the person's first annual inventory report under section 48-14-01-06.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-05

**48-14-01-08. Holding and handling facilities.** All farmed elk operators shall have holding and handling facilities that enable handling, marketing, and individual identification of all farmed elk on the premises. A permanent or portable handling facility must be accessible to the elk farm at all times.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-05

**48-14-01-09. Quarantine area.**

1. Every farmed elk premises must have an approved quarantine facility within its boundary or submit an action plan to the state veterinarian that guarantees access to an approved quarantine facility within the state of North Dakota.
2. The quarantine area must meet standards set by the state veterinarian concerning isolation, separate feed and water, escape security, and allowance for the humane holding and care of its occupants for extended periods of time.
3. Should the state veterinarian impose a quarantine, the farmed elk owner shall provide an onsite quarantine facility or make arrangements at the owner's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-10. Welfare of animals.** A farmed elk operator may not display or house any elk in such a manner as to endanger the health and safety of the public or the elk, as determined by an agent of the board.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-11. Auction sales.** A farmed elk auction permit is required to conduct auctions where farmed elk are offered for sale or trade. The application for an auction permit must be submitted to the board at least thirty days before the date of auction. Once issued, the permit is valid for that date and an alternate date. Information concerning reporting requirements, disease testing, certificates of veterinary inspection, and animal welfare must be clearly stated in the auction announcement. All potential buyers and sellers shall register at the auction and provide their name, address, and phone number. An attending veterinarian shall be available during the auction. Animals unfit for sale as defined in North Dakota Century Code section 36-05-10.1 must receive veterinary care and may not be offered for sale. All animals present at the auction must be maintained in a humane manner. The auction sale permitholder shall submit to the board records from the sale within thirty days after the sale. Access to the auction ground must be controlled at all times. All animals must be checked in and out by auction personnel. The auction sale permitholder shall notify the board within twenty-four hours of any unexplained diseases or deaths that occur in farmed elk while on the permitholder's premises. Any documents required by the board must be provided.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

#### **48-14-01-12. Bill of sale and transportation.**

1. Farmed elk to be transferred, bought, or sold must have a bill of sale or manifest duly witnessed prior to movement to show proof of ownership.
2. Farmed elk may be transported from out of state through North Dakota only if:
  - a. Animals proceed directly through North Dakota and the owner or transporter has no intent to unload the animals; and
  - b. Animals are not sold, bartered, traded, or otherwise transferred while in the state. Transfer does not include moving animals to another transport vehicle.
3. Farmed elk transported within North Dakota which have been harvested on a private elk farm must be accompanied by a bill of sale if there is a change of ownership.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02

**48-14-01-13. Inspection by board personnel.** A farmed elk owner shall allow inspection of records, holding facilities, and farmed elk by a board agent during normal working hours. The owner may accompany the person conducting the inspection. The board shall schedule the inspection.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-09

#### **48-14-01-14. Intrastate movement restrictions to protect genetic purity.**

A person may not move farmed elk into zone 1 or zone 2 from points inside North Dakota until such person obtains an importation permit from the state veterinarian's office.

Genetic testing for purity is required for all farmed elk before such animals may enter zone 1 or zone 2. A person may not transport, attempt to transport, accept, or receive farmed elk into zone 1 or zone 2 until the person making application for the permit furnishes sufficient proof to the state veterinarian's office that the elk are genetically pure.

**History:** Effective April 1, 2001.

**General Authority:** NDCC 36-25-02

**Law Implemented:** NDCC 36-25-02